

REMARKS

Claims 1, 3-6, 9-12, 14-19, 21-22 and 24 were previously pending, of which claims 1, 6 and 21 have been amended. Reconsideration of presently pending claims 1, 3-6, 9-12, 14-19, 21-22 and 24 is respectfully requested in light of the above amendments and the following remarks.

Rejections Under 35 U.S.C. §103

Claims 1, 3-6, 9-12 and 14-19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Yang, et al. (U.S. Patent Application Publication No.2003/0233290 hereinafter referred to as “Yang”) in view of Hagen, et al. (U.S. Patent No. 6,748,287 hereinafter referred to as “Hagen”). Claims 21-22 and 24 were rejected under 35 U.S.C. §103(a) as being unpatentable over Yang in view of Hagen in further view of Arackaparambil, et al. (U.S. Patent Application Publication No. 2002/0156548 hereinafter referred to as “Arackaparambil”). Applicant traverses these rejections on the grounds that the references are defective in establishing a *prima facie* case of obviousness with respect to the listed claims.

In *KSR Int’l. Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1739 (2007), the Court stated that “a patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art. Although common sense directs one to look with care at a patent application that claims as innovation the combination of two known devices according to their established functions, it can be important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does. This is so because inventions in most, if not all, instances rely upon building blocks long since uncovered, and claimed discoveries almost of necessity will be combinations of what, in some sense, is already known.” *Id.* at 1741 (emphasis added).

As the PTO recognizes in MPEP §2142:

... The examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness...

In the present application, a *prima facie* case of obviousness does not exist for the claims as herein amended for the reasons set forth below.

The Examiner has not shown that all words in the claim have been considered

MPEP 2143.03 states that “[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art.” Quoting *In re Wilson*, 424 F.2d 1382, 1385 (CCPA 1970). However, in the present matter, the Examiner has not shown that all words in the claim have been considered. For example, claim 1, in part, recites “providing the collected exchanged information and the collected event information to a customer associated with the semiconductor-related product, wherein the event information includes an abnormality alert.” The Examiner has asserted that Yang discloses “providing the collected exchanged information and the collected event information to a customer associated with the semiconductor-related product.” Office Action mailed November 24, 2009, page 5. However, the rejection makes no reference to the event information including “an abnormality alert”, as is provided in amended claim 1.

Thus, for this independent reason alone, the Examiner’s burden of factually supporting a *prima facie* case of obviousness has clearly not been met, and the rejection under 35 U.S.C. §103 should be withdrawn for independent claim 1 and its dependent claims.

Dependent claims 6 and 21 recite elements similar to that provided in amended claim 1, as discussed above. Accordingly, it is submitted that the independent claims 6 and 21 and their respective dependent claims are allowable at least for the same reasons.

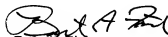
CONCLUSION

The amended claims are supported by the original application. The amended claims are amended herein in order to expeditiously advance prosecution of this application. The amendments do not necessarily provide an indication that Applicants agree with any conclusions set forth in the Office Action regarding patentability of the claims including that a *prima facie* rejection is established by the references.

The Office Action contains characterizations of the claims and the related art to which the Applicants do not necessarily agree. Unless expressly noted otherwise, Applicants decline to subscribe to any statement or characterization in the Office Action.

An early formal notice of allowance of claims 1, 3-6, 9-12, 14-19, 21-22 and 24 is requested. A personal or telephonic interview is respectfully requested to discuss any remaining issues in an effort to expedite the allowance of this application.

Respectfully submitted,



Bart A. Fisher

Registration No. 55,181

Dated: 1-25-10
Haynes and Boone, LLP
2323 Victory Avenue, Suite 700
Dallas, Texas 75219
Telephone: 512.867.8458
Facsimile: 214.200.0853
ipdocketing@haynesboone.com

CERTIFICATE OF TRANSMISSION	
I hereby certify that this correspondence is being transmitted to the United States Patent and Trademark Office, via EFS-Web, on the date indicated below:	
on	<u>January 25, 2010</u>
Date	
	<u>ry. Kim Reyes</u>
	Y. Kim Reyes